

May 6, 1985

Paul A. Harper, Esquire
1001 Fidelity Building
210 North Charles Street
Baltimore, Maryland 21201

RE: Case No. 84-237-SPHA
Warren Square Shopping
Center, Petitioner

Dear Mr. Sussman:

Pursuant to your letter dated May 1, 1985, I have decided that no hearing is necessary inasmuch as the required fence height was not a condition precedent to the relief granted in the above-referenced matter. In addition, the proposed reduction will not adversely impact on the neighborhood as those most adversely affected approve of the reduction.

Therefore, pursuant to the authority vested in the Zoning Commissioner by Section 500.9, Baltimore County Zoning Regulations (BCZR), I will approve the requested reduction.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

16-2227
LAW OFFICES
IRWIN M. SUSSMAN, P.A.
1001 FIDELITY BUILDING
210 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE
1300 685-2800

May 1, 1985

Mr. Arnold Jablon, Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Warren Square Shopping Center
Case No. 84-237-SPHA

Dear Mr. Jablon:

Confirming our telephone conversation of Tuesday, April 30, 1985, please accept this letter as our request to amend the Order dated March 28, 1984 with respect to the height of the wooden fence to be erected along the common property line between No. 1 Linden Terrace and No. 3 Linden Terrace. The property owner respectfully requests that your Order of March 28, 1984 be amended to reduce the height requirement of the wooden post fence from 12 feet to 9 feet. The higher fence is unstable and, therefore, presents a potential safety hazard.

All interested persons have agreed with the reduction in the height requirement to 9 feet as evidenced by their signatures on the Motion to Amend your Order which I am enclosing herewith. Pursuant to your instructions, I am not forwarding a copy of this Motion to the People's Counsel.

Would you be kind enough to consider the requested change and send us a copy of your Amended Order?

Thank you for your consideration in this matter.

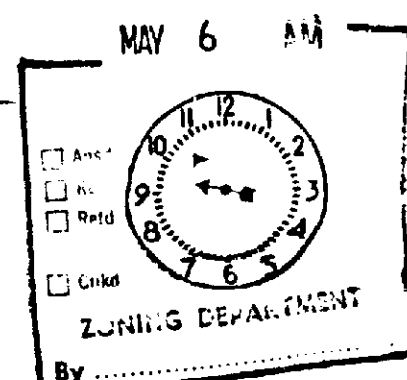
If you have any questions, please contact us at your earliest convenience.

Very truly yours,

IRWIN M. SUSSMAN, P.A.

Paul A. Harper
Paul A. Harper

PAH:lw



PAH:lw
4/11/85
3A/Motion

IN RE: PETITIONS SPECIAL HEARING * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
SM CORNER OF REISTERSTOWN * OF
ROAD AND LINDEN TERRACE, *
3RD ELECTION DISTRICT *
JEAN R. BERMAN, et al * BALTIMORE COUNTY
Petitioners * CASE NO. 84-237-SPHA
* * * * *

MOTION TO AMEND ZONING COMMISSIONER'S ORDER DATED MARCH 28, 1984

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Now come the Petitioners, Jean R. Berman, et al, by her counsel, Irwin M. Sussman, Paul A. Harper and Irwin M. Sussman, P.A. and respectfully request that the Zoning Commissioner's Order dated March 28, 1984 be amended for the following reasons:

1. The Petitioners filed a request to amend the site plan filed in Case No. 66-193-SM to allow additional parking in an R-O Zone as well as a variance to permit seventy (70) parking spaces instead of ninety-three (93) parking spaces as required by Baltimore County Zoning Regulations.

2. By Order dated March 23, 1984, the Zoning Commissioner granted both the request to amend the site plan and the variance to permit seventy (70) parking spaces instead of the required ninety three (93) spaces, subject to eight (8) restrictions set forth in the Order.

3. The fourth restriction required the Petitioner to construct a 12 foot wooden post fence as a buffer along the common property line between #1 Linden Terrace and the property of Mr. Irvin Duhman at #3 Linden Terrace.

4. During construction of a portion of the fence, it has been determined that the use of a wooden post fence 12 feet in height is unsound from an engineering standpoint and from a structural standpoint. High winds and driving rain or snow cause the fence to become unstable and therefore

PAH:lw
4/11/85
3A/Motion

would pose a serious threat to health, safety and welfare of those using the parking area and residents of surrounding properties.

6. After this problem was discovered, the situation was discussed with Mr. Irvin Duhman, the adjoining property owner, who has agreed to a reduction in the height of the fence from 12 feet to 9 feet. The 9 foot fence will serve the same purpose and will be more structurally stable than a 12 foot fence.

7. Mr. Irvin Duhman and Mr. and Mrs. Joseph Feustle (designated as Protestants at the hearing, but who were not actually opposed to the requested relief) and the Pikesville Community Growth Corporation have joined in this Motion to evidence their consent and support.

WHEREFORE, the Petitioners respectfully request that the Zoning Commissioner's Order of March 28, 1984 be amended to strike the fourth restriction requiring the construction of a 12 foot post fence and inserting in lieu thereof a restriction that a 9 foot post fence be constructed along the property line between #1 Linden Terrace and Mr. Irvin Duhman's property at #3 Linden Terrace.

Respectfully submitted,

IRWIN M. SUSSMAN, P.A.

Irwin M. Sussman
Irwin M. Sussman

Paul A. Harper
Paul A. Harper
1001 Fidelity Building
210 N. Charles Street
Baltimore, Maryland 21201
685-2800
Attorneys for Petitioners

IRWIN M. SUSSMAN, P.A.
1001 FIDELITY BUILDING
210 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
685-2800

PAH:lw
4/11/85
3A/Motion

Agreed and Consented:

Irvin Duhman
Irvin Duhman
3 Linden Terrace
Pikesville, Maryland 21208

Joseph Feustle
Joseph Feustle
11 Linden Terrace
Pikesville, Maryland 21208

Mrs. Joseph Feustle
Mrs. Joseph Feustle
11 Linden Terrace
Pikesville, Maryland 21208

Pikesville Community Growth Corp.
Pikesville Community Growth Corp.
By: *Diane Frederick*
Diane Frederick, Executive Director
1413 Reisterstown Road
Pikesville, Maryland 21208

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 1985, a copy of the foregoing was mailed, postage prepaid, to Phyllis Friedman, Esquire, People's Counsel, Room 223 Courthouse, Towson, Maryland 21204.

Paul A. Harper
Paul A. Harper

IRWIN M. SUSSMAN, P.A.
1001 FIDELITY BUILDING
210 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
685-2800

The Center faces Reisterstown Road, and Linden Terrace is perpendicular and adjacent to the Center. There are 32 parking spaces in the front of the Center and 12 spaces in the rear. Historically, these spaces are insufficient and, therefore, cars (patrons of the Center) parked on Linden Terrace block traffic and disrupt the neighborhood. The Center requires 93 parking spaces, but this is an impossibility since there is not enough room. If parking is permitted on 1 Linden Terrace, then the Center can rearrange its parking configuration to accommodate 70 spaces, front and back, in accordance with the recommendations of the Department of Traffic Engineering. If parking is not allowed on the property, only 44 spaces can be provided.

Paul Lee testified that traffic on Linden Terrace would be reduced since there would be additional parking if the special permit is allowed. Although, two spaces would be lost due to the placement of the entrance to the rear parcel, 28 spaces would be added for a total of 38. In his opinion, there would be a practical difficulty if the variance were not granted and there would not be any adverse effect on the public health, safety, and general welfare. He feels that it would certainly be within the spirit and intent of the BCZR. Mr. Lee testified that the parking on the rear parcel would certainly be compatible with the surrounding area, which is entirely commercial on Reisterstown Road and a mixture of offices and residential to the rear of the Center. He stated that if the variance were not granted, traffic would continue to be hazardous.

Mr. Frederick testified that after reviewing the proposals shown on Petitioners' Exhibit 1, the Corporation decided to support the plan. It is particularly supportive of maintaining the viability of the Center, and the additional parking will make it possible to do so.

Mr. Dubman and Mr. and Mrs. Feustle, residents of Linden Terrace, are not against the proposals; they only wish to ensure that certain protections be

-2-

It should be noted as examples only, and not necessarily limited to, that for the purpose of determining access to commercial zones from R-O Zones or permitting the use of land in an R-O Zone for parking areas adjoining and incidental to a business or industry (Section 409.4, BCZL), the R-O zone shall be treated as a "residential zone".

After due consideration of the evidence and testimony presented, it is determined that the amendment requested would not adversely affect the health, safety, and general welfare of the community.

It is clear that the BCZR permit parking on land in a residential zone which adjoins a business or industrial zone by special permit. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special permit as applied for should be granted, with certain restrictions as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

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Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special hearing and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of March, 1984, that the Petition for Special Hearing to amend the site plan filed in Case No. 66-193-SPH to permit parking on 1 Linden Terrace and, additionally, the Petition for Variance to permit 70 parking spaces instead of the required 93 spaces, in accordance with the site plan introduced and accepted into evidence as Petitioners' Exhibit 1, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Warren Square Shopping Center and all of its Lessees shall be open to the public only during the hours of 6:00 a.m. to 11:00 p.m.
3. Only two dumpsters shall be permitted on the site, and they shall be emptied at least twice a week. All garbage and waste must be contained inside the dumpsters at all times. The dumpsters shall not be emptied before 6:00 a.m. nor after 8:00 p.m. They must be located as far away from Mr. Dubman's property line as possible, but in no way may they be closer than ten feet to the property line.
4. The Petitioner shall construct a 12-foot post fence on the property line between 1 Linden Terrace and Mr. Dubman's property, which shall be continuous and connect with the existing fence constructed by McDonald's Restaurant.

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 7, 1984

COUNTY OFFICE BLDG.
113 W. Chesapeake Ave.
TOWSON, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Irvin M. Sussman, Esquire
1001 Fidelity Building
Baltimore, Maryland 21201

RE: Case No. 84-237-SPHA (Item No. 156)
Petitioner - Jean R. Berman
Special Hearing and Variance
Petition

Dear Mr. Sussman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to raze the existing dwelling and garage on the R.O. zoned property to the rear of the existing shopping center and create a parking area, this special hearing is required. A variance for number of parking spaces is also included. However, the size of the variance request is dependent on the result of the special hearing. As you are aware the existing parking to the rear of the shopping center was granted as a result of Case #66-193-SPH.

As indicated in my previous conversation with your engineer, Mr. Paul Lee, the paving of the proposed parking area must be macadam, tar and chip, etc. The existing parking area does not show 12 spaces, but Mr. Lee stated that he would revise the site plan to indicate this number and to indicate that there is no access from the proposed parking lot to Linden Terrace. I also indicated that the comments from the Office of Current Planning were submitted to this office after this petition was scheduled and he would meet with Mr. Sue Carrell of said office to discuss the comments prior to the hearing.

Case No. 84-237-SPHA (Item No. 156)
Petitioner - Jean R. Berman
Page 2

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rmh
Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

February 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #156 (1983-1984)
Property Owner: Warren Square Shopping Center
W/S cor. Reisterstown Rd. & Linden Terrace
Acres: 0.99 District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (Md. 140) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Linden Terrace, an existing public road, is proposed to be further improved in the future on a 50-foot right-of-way, with fillet areas for sight distance at the Reisterstown Road intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #156 (1983-1984)
Property Owner: Warren Square Shopping Center
Page 2
February 17, 1984

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Linden Terrace and serve the present dwelling.

The Petitioner is responsible for the entire cost of capping or plugging any service connections not used to serve this property.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

0-SW Key Sheet
26 NW 20 Pos. Sheet
NW 7 E Topo
78 Tax Map

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Carrell
Administrator

January 4, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 12-27-83
ITEM: #156.
Property Owner: Warren Square Shopping Center
LOCATION: SW Cor.
Reisterstown Rd., Route 140 & Linden Terrace
Existing Zoning: B.L.-CS-1 & R.O.
Proposed Zoning: Special Hearing to approve a Use permit in a residential zone as well as a modification of the approved site plan for the existing use permit in Case #66-193-SPH.
Variance to permit 44 parking spaces in lieu of the required 93 spaces or if a petition for Special Hearing to permit parking in a R.O. zone is granted, then to permit 70 parking spaces in lieu of the required 93 spaces.
Acres: 0.99
District: 3rd

Dear Mr. Jablon:

The site was inspected on December 29, 1983 at 12:30 P.M. At that time the traffic situation was chaotic. There were no vacant parking spaces. Vehicles were lined up on the highway, in the entrances and throughout the site, waiting for parking spaces. It is quite apparent that the site is seriously lacking

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 655-0451 D.C. Metro - 180-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon

-2-

January 4, 1984

in parking spaces.

We are in favor of any proposal to create additional parking spaces, however, any redevelopment or improvement to the site, that would generate more traffic, can only compound the existing intolerable parking problem.

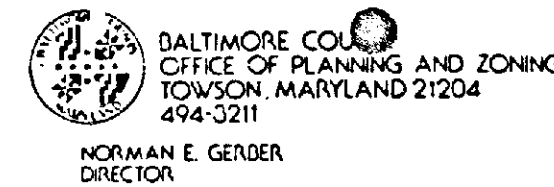
This section of Reisterstown Road is extremely congested carrying an average of 29,000 vehicles per day.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John Meyers

CLJM:maw

cc: Mr. J. Ogle
Mr. G. Wittman



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 12/20/83
Item # 156
Property Owner: Warren Square Shopping Center
Location: Reisterstown Rd & Linden Terrace

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site plan factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/17/84.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permits may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is Landscaping.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:
An excellent location for a new shopping center. The site is well located and the proposed development is well planned. The site is well located and the proposed development is well planned.

Eugene A. Bober
Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 156, Zoning Advisory Committee Meeting of Dec 27, 1983

Property Owner: Warren Square Shopping Center

Location: Sw/Cor. Reisterstown Road District 3

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for each installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

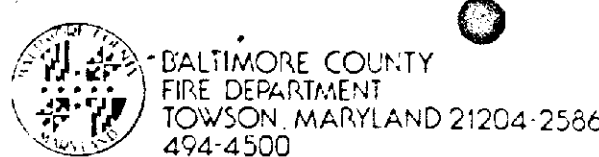
SS 20 1062 (1)

Zoning Item # 156, Zoning Advisory Committee Meeting of Dec 27, 1983
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



PAUL H. REINCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Warren Square Shopping Center

Location: Reisterstown Road and Linden Terrace

Item No.: 156

Zoning Agenda: Meeting of 12/27/83

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reincke* *George M. McGonigle*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

January 18, 1984

Dear Mr. Jablon:

Comments on Item # 156 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren Square Shopping Center
Location: SW/Cor. Reisterstown Road and Linden Terrace
Existing Zoning: B.L. - C2 - 1 & R.O.
Proposed Zoning: B.L. - C2 - 1 & R.O.
Special Hearing to approve a use permit in a residential zone as well as a modification of the approved site plan for the existing use permit in Case #66-193-3TH. Variance to permit 14 parking spaces in lieu of the required 93 spaces or if petition for Special Hearing to permit parking in an R.O. zone is granted, then to permit 70 parking spaces in lieu of the required 93 spaces.

The items checked below are applicable:

- (X) A. All structures shall conform to the Baltimore County Building Code 1980/Consolidated Code.
- (X) B. A building/structure shall conform to the Baltimore County Building Code 1980/Consolidated Code.
- (X) C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (X) D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 509, Section 5107 and Table 5102, also Section 503.2.
- (X) F. Requested variance appears to conflict with the Baltimore County Building Code, Section 5.
- (X) G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 509 and the required construction classification of Table 501.
- (X) I. Comments - Show handicapped parking spaces as required by State code, signs, ramps, curb cuts, etc. on plans.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles Z. Burman
Charles Z. Burman, Chief

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 26, 1984

Irwin M. Sussman, Esquire
1001 Fidelity Building
Baltimore, Maryland 21201

Chairman

Nicholas B. Commodari

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

RE: Item No. 156
Warren Square Shopping Center
Reisterstown Rd & Linden Terrace
Special Hearing & Variance Petitions

Dear Mr. Sussman:

I have reviewed the above referenced petition and have some questions concerning the site plan and/or petition forms. In order to avoid any extended delays in processing this petition, you should contact me immediately, at 494-3391, to discuss my concerns.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

cc: Paul Lee Engineering Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204

IRWIN M. SUSSMAN, P.A.
1001 FIDELITY BUILDING
210 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE
(301) 685-2800

February 10, 1984

HAND DELIVERED

Mr. Nicholas B. Commodari
Chairman
Baltimore County Zoning Plans Advisory Committee
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item Number 156 Warren Square Shopping Center
Reisterstown Road and Linden Terrace
Special Hearing and Variance Petition

Dear Mr. Commodari:

Confirming our recent telephone conversations I certify to you that my power to act on behalf of Mrs. Jean R. Berman arises by virtue of recorded Power of Attorney dated January 20, 1982 and recorded among the Records of Baltimore County, Maryland in Liber B8K, 3r. 6456, Folio 641. I am enclosing a photostatic copy of the original for your records.

Very truly yours,
Irwin M. Sussman
Irwin M. Sussman

IMS/tb
encl.

Irwin M. Sussman, Esquire
1001 Fidelity Building
210 North Charles Street
Baltimore, Maryland 21201

March 28, 1984

RE: Petitions Special Hearing and
Variance
SW/corner of Reisterstown Road
and Linden Terrace - 3rd Elec-
tion District
Jean R. Berman, Petitioner
Case No. 84-237-SPHA

Dear Mr. Sussman:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Mr. Irving Dubman
3 Linden Terrace
Baltimore, Maryland 21203

Mr. Joseph Feustle
11 Linden Terrace
Baltimore, Maryland 21203

People's Counsel

PETITION FOR SPECIAL HEARING AND VARIANCE

3rd Election District

ZONING: Petition for Special Hearing and Variance
LOCATION: Southwest corner Reisterstown Road and Linden Terrace
DATE & TIME: Thursday, March 15, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in a residential zone (R.O.) for the property described herein as #1 Linden Terrace (owned by Mary C. Cassat) as well as a modification of the approved site plan for the existing use permit in Case No. 66-193-SPH, relating to Warren Square Shopping Center (owned by Jean R. Berman) and Variance to permit 44 parking spaces instead of the required 93 parking spaces (a variance of 49 parking spaces) or if a Petition for Special Hearing (filed simultaneously with this Petition and covering the Warren Square Shopping Center and #1 Linden Terrace) to permit parking in an R.O. zone is granted, then to permit 70 parking spaces instead of the required 93 spaces (a variance of 23 spaces)

Being the property of Jean R. Berman, as shown on plat plan filed with the Zoning Department.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) days appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

February 15, 1984

Irwin M. Sussman, Esquire
1001 Fidelity Building
210 North Charles Street
Baltimore, Maryland 21201

NOTICE OF HEARING
Re: Petition for Special Hearing and Variance
SW/corner Reisterstown Rd. & Linden Terrace
Jean R. Berman - Petitioner
Case No. 84-237-SPHA

TIME: 10:15 A.M.

DATE: Thursday, March 15, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 124012

DATE: 12/15/83 ACCOUNT: 01-615-000

AMOUNT: \$200.00

RECEIVED: Irwin M. Sussman P.A.
FOR: Filing for Petition #156

C 015*****000000 0156A

VALIDATION OR SIGNATURE OF CASHIER

LEGAL NOTICE

PETITION FOR SPECIAL
HEARING AND VARIANCE
3rd Election District
LOCATION: Southwest corner Reisterstown Road and Linden Terrace
DATE & TIME: Thursday, March 15, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

53129

Fikesville, Md., Feb. 29, 1984

BEFORE, that the annexed advertisement in the NORTHWEST STAR, a weekly published in Fikesville, Baltimore land before the 15th day of Feb. 1984

publication appearing on the

day of Feb. 1984

publication appearing on the

day of Feb. 1984

publication appearing on the

day of Feb. 1984

THE NORTHWEST STAR

Manager

Cost of Advertisement \$30.00

LEGAL NOTICE

PETITION FOR SPECIAL
HEARING AND VARIANCE
3rd Election District
LOCATION: Southwest corner Reisterstown Road and Linden Terrace
DATE & TIME: Thursday, March 15, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

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publication appearing on the

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day of Feb. 1984

publication appearing on the

day of Feb. 1984

THE NORTHWEST STAR

Manager

Cost of Advertisement \$30.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 9, 1984

Irwin M. Sussman, Esquire
1001 Fidelity Building
210 North Charles Street
Baltimore, Maryland 21201

Re: Petition for Special Hearing and Variance
SW/cor. Reisterstown Road and Linden Terrace
Jean R. Berman - Petitioner
Case No. 84-237-SPHA

Dear Mr. Sussman:

This is to advise you that \$20.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 128221

DATE: 3-15-84 ACCOUNT: R-01-615-000

AMOUNT: \$68.00

RECEIVED: Jean R. Berman
FOR: Advertising & Posting Case #84-237-SPHA

C 015*****000000 0156A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING AND VARIANCE

3rd Election District

ZONING: Petition for Special Hearing and Variance
LOCATION: Southwest corner Reisterstown Road and Linden Terrace
DATE & TIME: Thursday, March 15, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in a residential zone (R.O.) for the property described herein as #1 Linden Terrace (owned by Mary C. Cassat) as well as a modification of the approved site plan for the existing use permit in Case No. 66-193-SPH, relating to Warren Square Shopping Center (owned by Jean R. Berman) and Variance to permit 44 parking spaces instead of the required 93 parking spaces (a variance of 49 parking spaces) or if a Petition for Special Hearing (filed simultaneously with this Petition and covering the Warren Square Shopping Center and #1 Linden Terrace) to permit parking in an R.O. zone is granted, then to permit 70 parking spaces instead of the required 93 spaces (a variance of 23 spaces)

Being the property of Jean R. Berman, as shown on plat plan filed with the Zoning Department.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) days appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Paul L. P.C.

Paul L. Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
824-3341

DESCRIPTION

WARREN SQUARE SHOPPING CENTER - #704-518 REISTERSTOWN ROAD
THIRD ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

This Description is for a Parking Variance and Special Hearing.

Beginning for the same at a point, said point being located at the intersection of the west side of Reisterstown Road and the South side of Linden Terrace and Southerly 22.5 feet from the center of Linden Terrace thence binding on the west side of Reisterstown Road (1) S 37°05'40" East 169.66 feet, thence leaving said west side of Reisterstown Road for four lines of division as follows: (2) S 52°55'00" West 104.52 feet, (3) S 37°13'50" East 35.94 feet (4) S 52°46'10" West 49.65 feet and (5) N 37°13'50" West 205.00 feet to the Southeast side of Linden Terrace, thence binding on the Southeast side of Linden Terrace (6) N 52°46'10" East 244.60 feet to the place of beginning.

Special Hearing for off-street parking includes all of the above described property not including that portion zoned BL-C5-1 and that part of the property with a Special Permit (Case #66-193 SPH).

Property containing 0.99 acres of land, more or less.

Paul L. P.C.

Engineers - Surveyors - Site Planners 11/21/83

IN RE: PETITIONS SPECIAL HEARING AND *
VARIANCE
SW corner of Reisterstown Road *
and Linden Terrace - 3rd Elec- *
tion District *
OF BALTIMORE COUNTY
Jean R. Berman, et al *
Case No. 84-237-SPHA
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein seek to amend the site plan filed in Case No. 66-193-SPH to permit additional parking in an R-O Zone and a variance to permit 70 parking spaces instead of the required 93 spaces, as more fully described on Petitioner's Exhibit 1.

The Petitioners, represented by Counsel, presented testimony and evidence from Paul Lee, a registered civil engineer, and Diane Frederick, Pikesville Community Growth Corporation (Corporation). Mr. Irvin Dubman and Mr. and Mrs. Joseph Feustle appeared as Protestants.

Testimony indicated that Jean R. Berman, one of the Petitioners, is the owner of Warren Square Shopping Center (Center) in Pikesville, zoned B.L. She purchased the Center in 1981, although she and her family have had an ownership interest since 1964. Mary C. Cassat, another Petitioner, is the owner of 1 Linden Terrace, the adjacent property in the rear of the Center. Mrs. Berman has entered into a contract of sale to purchase 1 Linden Terrace, zoned R-O, from Mrs. Cassat.

On October 5, 1966, when the adjacent property was zoned R-6, a special permit for off-street parking on the site was granted pursuant to Section 409.4 of the Baltimore County Zoning Regulations (BCZR). A site plan was submitted and approved as part of that decision. The special permit was only for a portion of 1 Linden Terrace. Mrs. Berman now wants to expand that special permit in order to use the entire parcel.

The Center faces Reisterstown Road, and Linden Terrace is perpendicular and adjacent to the Center. There are 32 parking spaces in the front of the Center and 12 spaces in the rear. Historically, these spaces are insufficient and, therefore, cars (patrons of the Center) parked on Linden Terrace block traffic and disrupt the neighborhood. The Center requires 93 parking spaces, but this is an impossibility since there is not enough room. If parking is permitted on 1 Linden Terrace, then the Center can rearrange its parking configuration to accommodate 70 spaces, front and back, in accordance with the recommendations of the Department of Traffic Engineering. If parking is not allowed on the property, only 44 spaces can be provided.

Paul Lee testified that traffic on Linden Terrace would be reduced since there would be additional parking if the special permit is allowed. Although, two spaces would be lost due to the placement of the entrance to the rear parcel, 28 spaces would be added for a total of 38. In his opinion, there would be a practical difficulty if the variance were not granted and there would not be any adverse effect on the public health, safety, and general welfare. He feels that it would certainly be within the spirit and intent of the BCZR. Mr. Lee testified that the parking on the rear parcel would certainly be compatible with the surrounding area, which is entirely commercial on Reisterstown Road and a mixture of offices and residential to the rear of the Center. He stated that if the variance were not granted, traffic would continue to be hazardous.

Mr. Frederick testified that after reviewing the proposals shown on Petitioner's Exhibit 1, the Corporation decided to support the plan. It is particularly supportive of maintaining the viability of the Center, and the additional parking will make it possible to do so.

Mr. Dubman and Mr. and Mrs. Feustle, residents of Linden Terrace, are not against the proposals; they only wish to ensure that certain protections be

-2-

built in. Their concerns will be addressed in the restrictions hereafter enumerated and to which they agree.

The Petitioners seek to amend the site plan pursuant to Section 500.7 to permit additional parking in an R-O Zone, Section 409.4, and relief from Section 409.2.B.6, pursuant to Section 307, BCZR.

Notwithstanding the absence of the R-O Zone from the definition of residential zone, if, at the time the subdivision and/or development plan is submitted, the use of the property in the R-O Zone is residential, the R-O Zone shall be so considered.

"The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature." State v. Fabry, 276 Md. 416 (1975).

Section 203, BCZR, must be construed reasonably with reference to the purposes, as set forth in Sections 203.1 and 203.2, BCZR, to be accomplished. They must be considered in their entirety and in context of the purpose for its enactment. Grant of Maryland v. State Attorney, 267 Md. 501 (1973). The regulations should be construed according to the ordinary and natural import of their language since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assessment, 271 Md. 232 (1974). In construing statutes, results that are reasonable, illogical, or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. S. F. Saul Co. v. West End Park, 250 Md. 707 (1968).

Applying these principles to the regulations now being considered, I conclude that under the plain wording of Section 203, BCZR, the R-O Zone should be included in the term "residential zone", as defined in Section 101, BCZR, notwithstanding its actual absence therefrom.

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It should be noted as examples only, and not necessarily limited to, that for the purpose of determining access to commercial zones from R-O Zones or permitting the use of land in an R-O Zone for parking areas adjoining and incidental to a business or industry (Section 409.4, BCZR), the R-O zone shall be treated as a "residential zone".

After due consideration of the evidence and testimony presented, it is determined that the amendment requested would not adversely affect the health, safety, and general welfare of the community.

It is clear that the BCZR permit parking on land in a residential zone which adjoins a business or industrial zone by special permit. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special permit as applied for should be granted, with certain restrictions as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Scullis v. Fritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

-4-

alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Therefore, permission to park on the parcel known as 1 Linden Terrace should be granted as well as the variance requested pursuant thereto is granted as well.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is equally clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

Considering the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

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Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special hearing and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of March, 1984, that the Petition for Special Hearing to amend the site plan filed in Case No. 66-193-SPH to permit parking on 1 Linden Terrace and, additionally, the Petition for Variance to permit 70 parking spaces instead of the required 93 spaces, in accordance with the site plan introduced and accepted into evidence as Petitioners' Exhibit 1, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Warren Square Shopping Center and all of its Lessees shall be open to the public only during the hours of 6:00 a.m. to 11:00 p.m.
- Only two dumpsters shall be permitted on the site, and they shall be emptied at least twice a week. All garbage and waste must be contained inside the dumpsters at all times. The dumpsters shall not be emptied before 6:00 a.m. nor after 8:00 p.m. They must be located as far away from Mr. Dubman's property line as possible, but in no way may they be closer than ten feet to the property line.
- The Petitioner shall construct a 12-foot post fence on the property line between 1 Linden Terrace and Mr. Dubman's property, which shall be continuous and connect with the existing fence constructed by McDonald's Restaurant.

-6-

- The parking area shall be of a durable and dustless surface, subject to Section 409.2.C.2, BCZR, and IX.A.2, CMP.
- All lighting shall be so arranged as not to reflect on neighboring residential properties.
- There shall be no traffic access to the property from Linden Terrace, and the guardrail barricade presently existing on the Linden Terrace side of the property shall be extended to include the entire width of 1 Linden Terrace to prevent such access.
- If the County Review Group (CRG) should reduce the number of parking spaces (70) approved herein, the Petitioners shall notify the Zoning Office of the reduction, and this Order shall be amended accordingly without further hearing.

[Signature]
Zoning Commissioner of
Baltimore County

-7-

PETITION FOR SPECIAL HEARING AND VARIANCE
3rd Election District
DATE: March 28, 1984
BY: Mary Campagna (Chair)

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 23, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of the following days before the 23rd day of February, 1984, the first publication appearing on the 23rd day of February, 1984.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$ 22.00

Irwin M. Sussman, Esquire
1201 Fidelity Building
Baltimore, Maryland 21201

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 7th day of February, 1984.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: John F. Sussman
Petitioner's Attorney: Irwin M. Sussman

Received by: *[Signature]*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

REVISION FOR SPECIAL HEARING AND VARIANCE 3rd Election District

ZONING: Petition for Special
Hearing and Variance
LOCATION: Southwest corner
Reisterstown Road and Linden
Terrace
DATE & TIME: Thursday, March
15, 1964 at 10:15 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Bal-
timore County will hold a public
hearing:

Petition for Special Hearing un-
der Section 500.7 of the Baltimore
County Zoning Regulations to de-
termine whether or not the Zoning
Commissioner and/or Deputy Zon-
ing Commissioner should approve a
use permit for parking in a resi-
dential zone (R.O.) for the prop-
erty described herein as 81 Linden
Terrace (owned by Mary C. Casati)
as well as a modification of the
approved site plan for the existing
use permit in Case No. 66-193-SPH,
relating to Warren Square Shop-
ping Center (owned by Jean R.
Bernan) and Variance to permit 44
parking spaces instead of the re-
quired 80 parking spaces (a vari-
ation of 40 parking spaces) or if a
Petition for Special Hearing (filed
simultaneously with this Petition
and covering the Warren Square
Shopping Center and 81 Linden
Terrace) to permit parking in an
R.O. zone is granted, then to per-
mit 70 parking spaces instead of
the required 80 spaces (a variation
of 20 spaces).

Being the property of Jean R.
Bernan, as shown on plat plan filed
with the Zoning Department.
In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day
appeal period. The Zoning Commis-
sioner will, however, entertain any
request for a stay of the issuance
of said permit during this period
for good cause shown. Such request
must be received in writing by the
date of the hearing set above or
made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Feb. 22.

DUPLICATE CERTIFICATE OF PUBLICATION

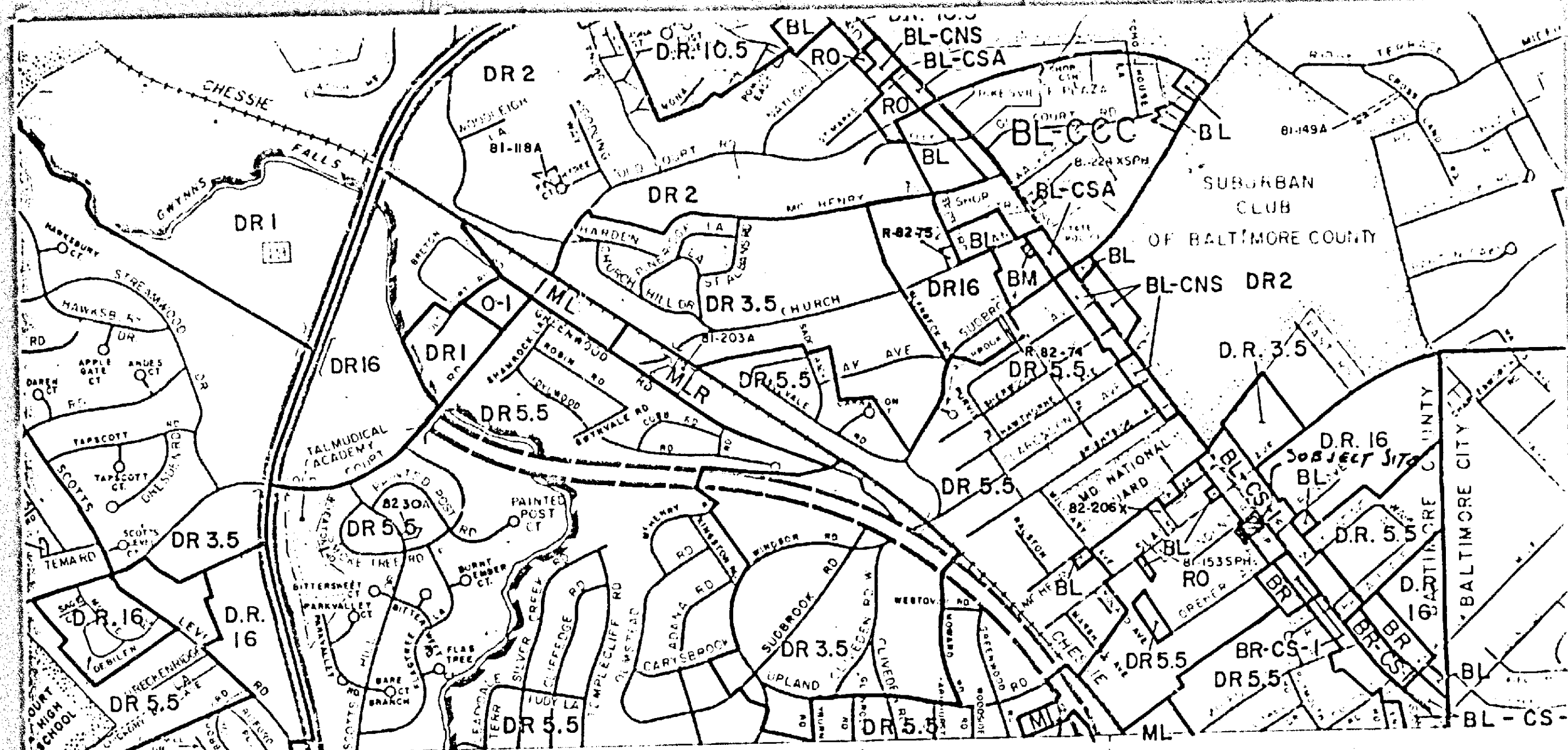
TOWSON, MD., February 23, 1964

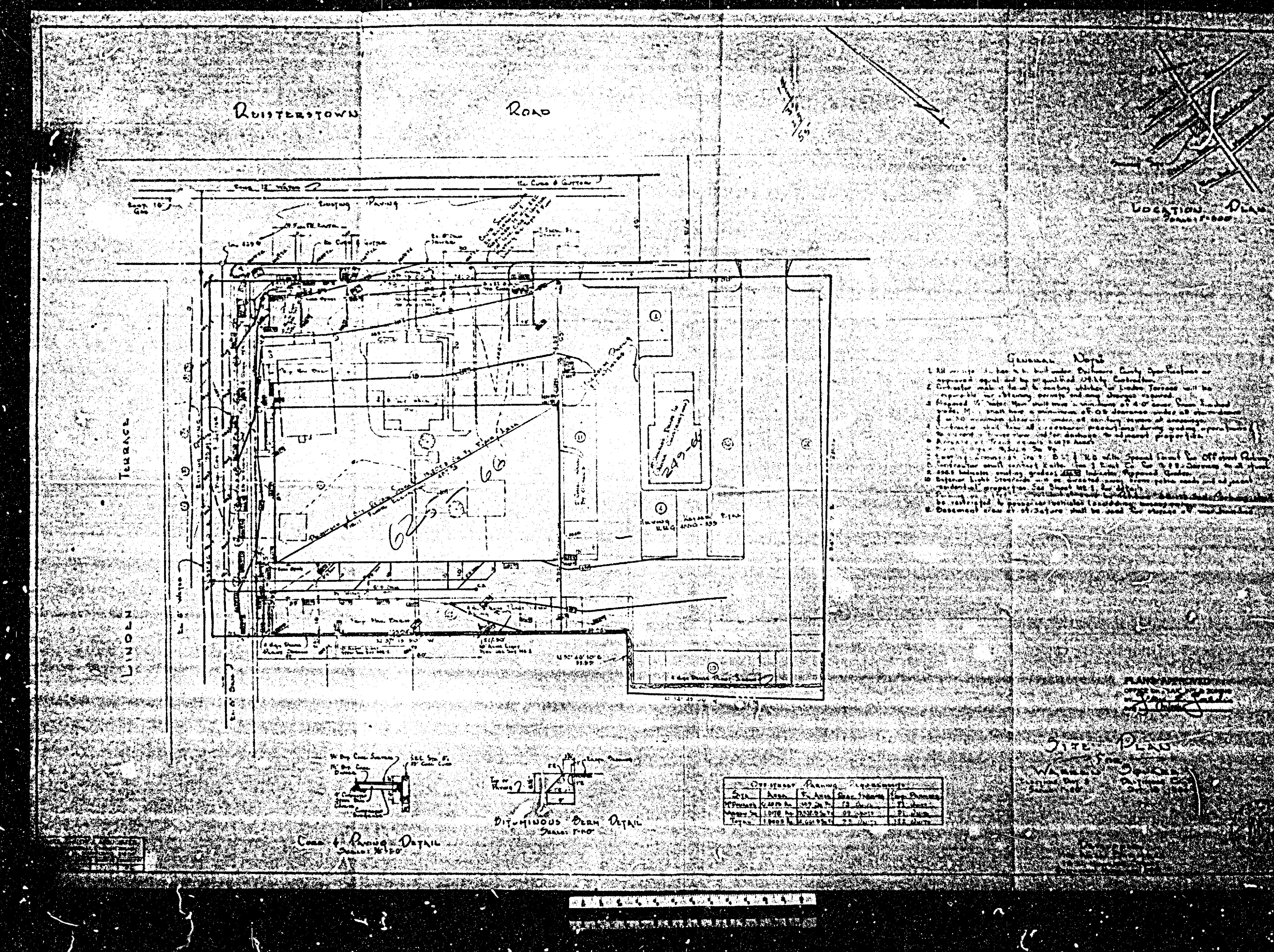
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of one time ~~times~~ before the 15th
day of March, 1964, the first publication
appearing on the 23rd day of February
1964.

THE JEFFERSONIAN,

L. Frank Sirota
Manager.

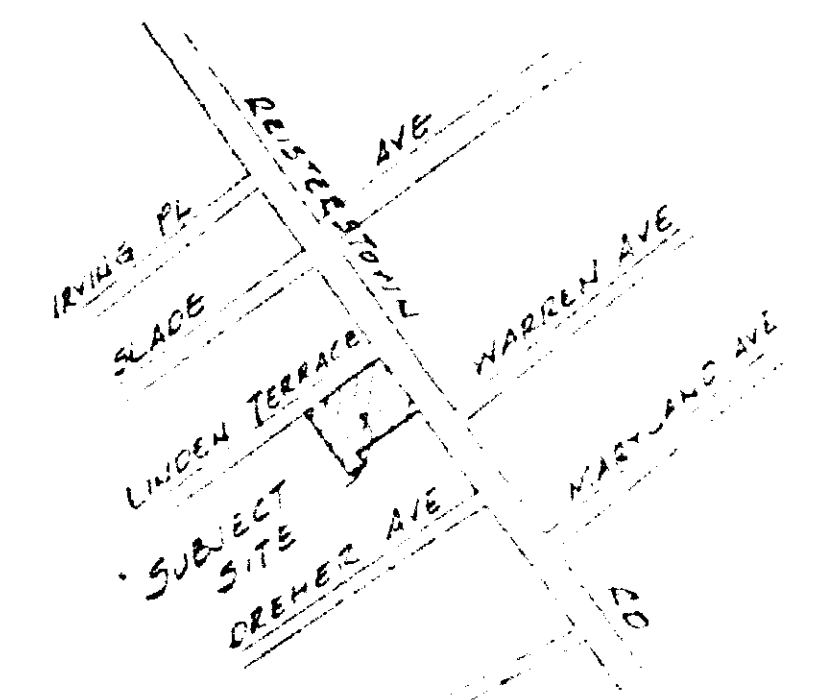
Cost of Advertisement, \$28.00



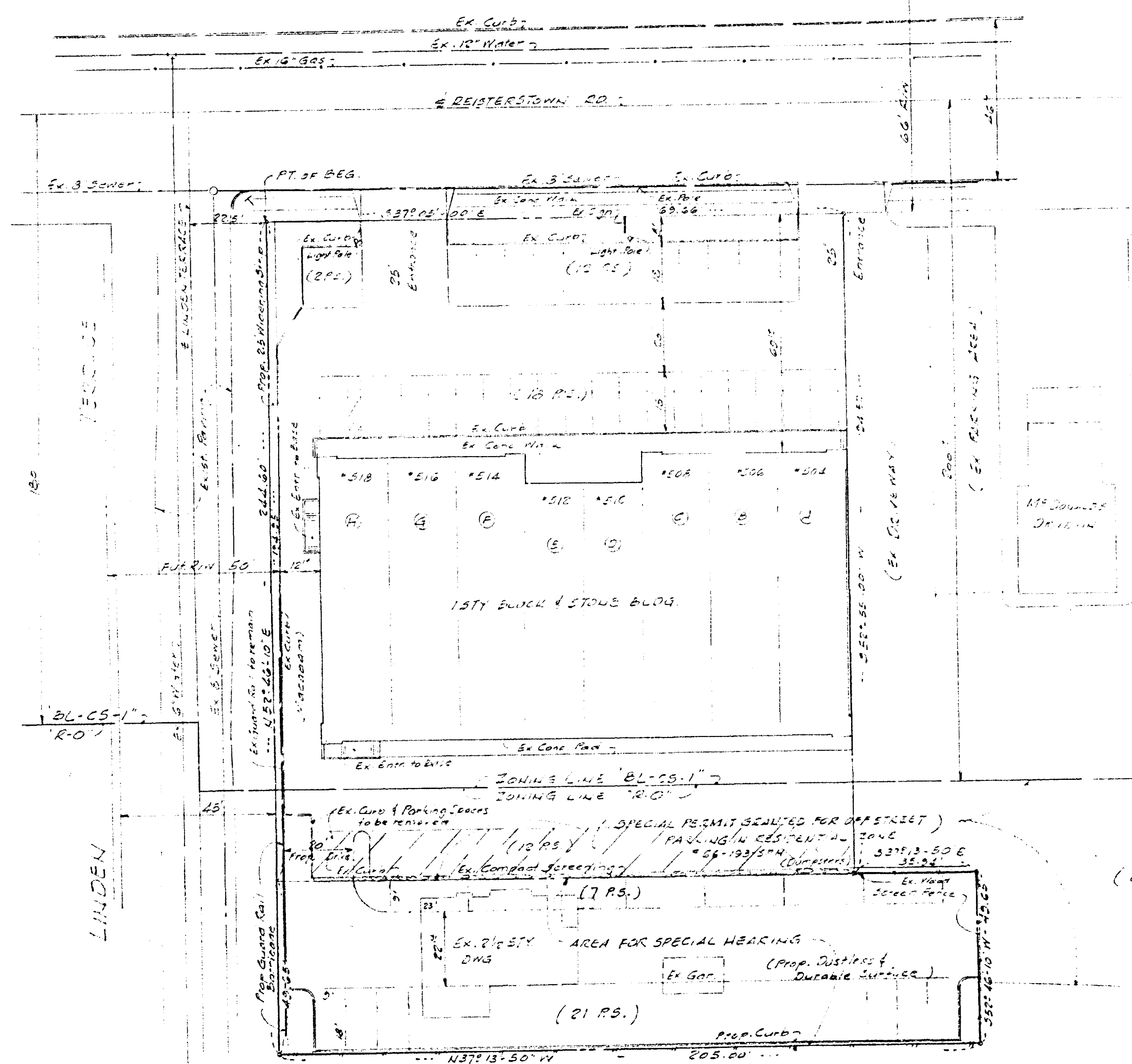
[illegible][illegible]

EXIST. Zoning: BL-CS-1
 Exist. Use: Commercial - Church

REISTERSTOWN ROAD



LOCATION PLAN
 SCALE: 1"=500'



EXIST. Zoning: "BL-CS-1"
 Exist. Use: Commercial - Church

GENERAL NOTES

1. AREA OF PROPERTY: 0.99 AC.
2. EXISTING ZONING OF PROPERTY: "BL-CS-1" R.O.D. WITH A SPECIAL PERMIT TO PARK IN RESIDENTIAL ZONE (*65-23.5PH)
3. EXISTING USE OF PROPERTY: "SHOPPING CENTER"
4. PROPOSED ZONING OF PROPERTY: "BL-CS-1" R.O.
5. PROPOSED USE OF PROPERTY: "SHOPPING CENTER"
6. GROSS STREET FACING DATA

A. BEAUTY SHOP: 1,600 SF / 100	• 3.3 PS
B. BAGEL SHOP: 1,600 SF / 100	• 3.3 PS
C. DELICATESSEN: 1,600 SF / 100	• 3.3 PS
D. LADIES HAIR BAG SHOP: 1,250 SF / 100	• 3.3 PS
E. PICTURE FRAMING & ART GALLERY: 1,250 SF / 100	• 3.3 PS
F. LADIES NEAR: 1,600 SF / 100	• 3.3 PS
G. VIDEO CASSETTES: 1,600 SF / 100	• 3.3 PS
H. MEDICAL EQUIPMENT: 1,600 SF / 100	• 3.3 PS
I. KARATE SCHOOL (BASEMENT): 65 PERCENT	• 3.3 PS

TOTAL REQD. PARKING: 32.73 + 0.3 PS

7. TOTAL PARKING PROPOSED

A. EXISTING SPACES	• 42 PS (3.3 PS LESS FOR ENTRANCE)
B. PROPOSED SPACES (R.O.)	• 28 PS
	TO 70 PS
8. PETITIONER IS REQUESTING A SPECIAL HEARING TO PERMIT PARKING IN R.O. ZONE
9. PETITIONER IS REQUESTING A VARIANCE TO SECTION 400.2 OF THE ZONING CODE TO PERMIT 44 PARKING SPACES INSTEAD OF THE REQUIRED 32 SPACES (44 SPACES OF 30 SPACES), OR A VARIANCE OF 32 SPACES IF A SPECIAL HEARING TO PERMIT PARKING IN R.O. ZONE IS GRANTED
10. UTILITIES EXIST TO SITE
11. PROPERTY LOCATED IN "WHYLL FALLS" WATERSHED
12. PROPOSED LIGHTING WILL NOT BE REFLECTED ON NEIGHBORING RESIDENTIAL PROPERTY

13. PROPOSED PARKING LOT TO SUBJECT TO FOLLOWING CONDITIONS
 - A. The area to be used must be of a curable and dustless surface and shall be properly drained.
 - B. Only passenger vehicles, excluding buses, may be parked.
 - C. No loading, service, or any use other than parking shall be permitted.
 - D. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity as required.
 - E. Screening by a wall, fence, planting and/or otherwise shall be required as deemed advisable by the Office of Planning.
 - F. A paved surface, properly drained, shall be required.
 - G. A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - H. Method and area of operation, provision for maintenance, and permitted hours of use shall be specified and regulated as required.

* Screening to be 6'0" high wood stockade fence per approved agreement

PLAT TO ACCOMPANY PETITION
 FOR

PARKING VARIANCE AND SPECIAL HEARING

WARREN SQUARE SHOPPING CENTER

(S.W. CORNER REISTERSTOWN RD. & LINDEN TERR.)

3RD ELEC. DIST.
 SCALE: 1"=50'

BALTIMORE COUNTY, MD.
 NOV. 21, 1983
 REC. FEB. 14, 1984

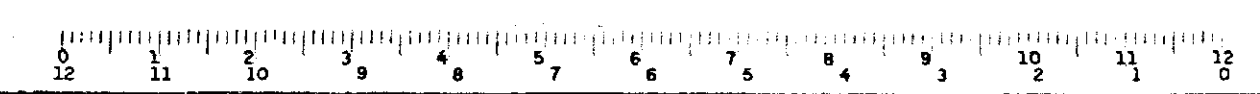
PETITIONER'S
 EXP. 1/1

RESTRICTIONS - CASE "66-193 SPH"

1. THE AREA TO BE USED SHALL BE OF A CURABLE AND DUSTLESS SURFACE AND SHALL BE PROPERLY DRAINED
2. ALL LIGHTING SHALL BE SO ARRANGED AS NOT TO REFLECT ON NEIGHBORING RESIDENTIAL PROPERTIES
3. SHRUBBERY AT LEAST FOUR (4) FEET IN HEIGHT SHALL BE PLANTED IN THE WESTERLY BOUNDARY OF SA D. TRACT.
4. THERE SHALL BE NO TRAFFIC ACCESS TO THE PROPERTY FROM LINDEN TERRACE

EXIST. Zoning: "R.O."
 Exist. Use: "Residential"
 EX. 1ST STY DNG.

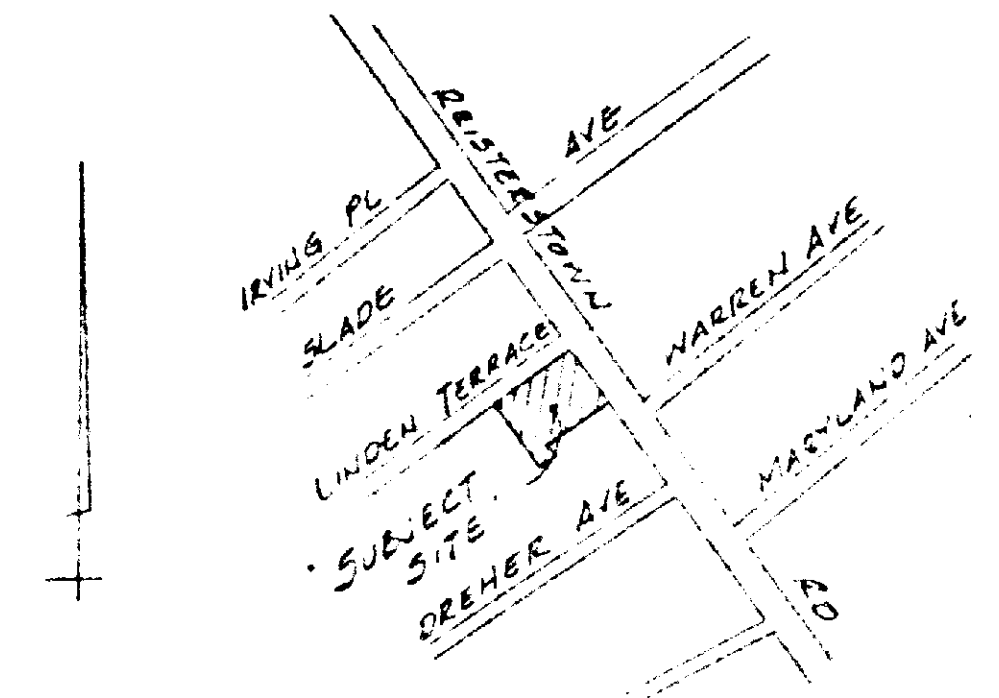
Prop. Fence on 12.
 Fence to be 6'0" High Wood Stockade Type
 in accordance with Balto. Co. Standards



Exist. Zoning: "BL-CS-1"
Exist. Use: "Commercial" - Church

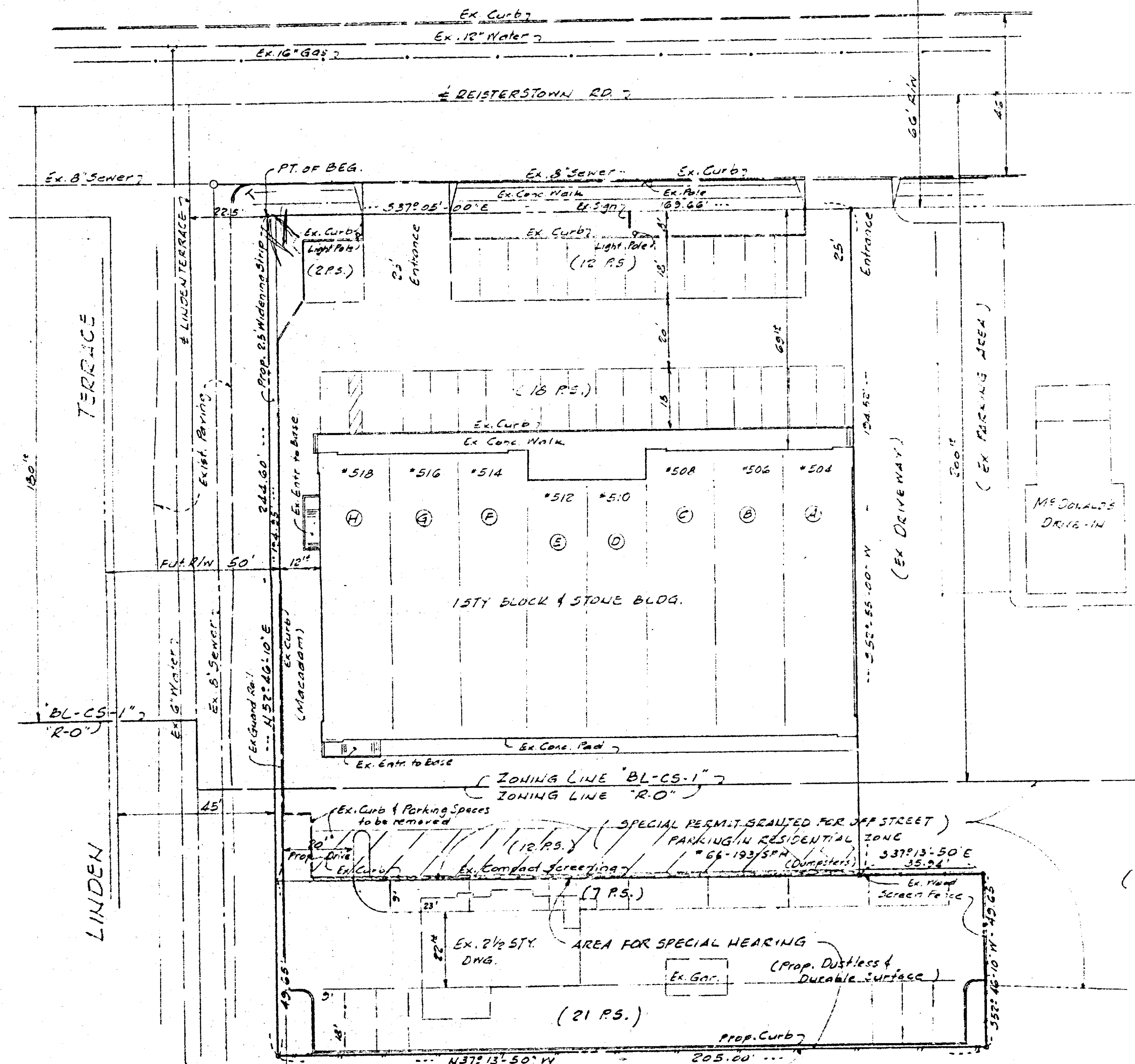
REISTERSTOWN

ROAD



LOCATION PLAN
SCALE: 1"=50'

Exist. Zoning: "BL-CS-1"
Exist. Use: "Commercial" - Service Station



Exist. Zoning: "BL-CS-1"
Exist. Use: "Commercial" - McDonald's

GENERAL NOTES

1. AREA OF PROPERTY = 0.99 AC.
2. EXISTING ZONING OF PROPERTY: "BL-CS-1" R.O. WITH A SPECIAL PERMIT TO PARK IN RESIDENTIAL ZONE (*66-193 SPH)
3. EXISTING USE OF PROPERTY: "SHOPPING CENTER"
4. PROPOSED ZONING OF PROPERTY: "BL-CS-1" R.O.
5. PROPOSED USE OF PROPERTY: "SHOPPING CENTER"
6. OFF-STREET PARKING DATA:

A. BEAUTY SHOP: 1,600 SF / 200	• 53 PS
B. BABEL SHOP: 1,600 SF / 200	• 38 PS
C. DELICATESSEN: 1,600 SF / 200	• 3 PS
D. LADIES HATS BAG SHOP: 1,258 SF / 200	• 23 PS
E. PICTURE FRAMING & ART GALLERY: 1,258 / 200	• 23 PS
F. LADIES WEAR: 1,600 SF / 200	• 8 PS
G. VIDEO CASSETTES: 1,600 SF / 200	• 8 PS
H. MEDICAL EQUIPMENT: 1,600 SF / 200	• 8 PS
I. KARATE SCHOOL (BASEMENT): 65 PERSONS / 6	• 10.8 PS
7. TOTAL REQ'D. PARKING = 22.73 = 23 PS.
7. TOTAL PARKING PROPOSED:

A. EXISTING SPACES	• 42 PS (2 PS. LOSS FOR ENTRANCE)
B. PROPOSED SPACES (R.O.)	• 28 PS.
	70 PS
8. PETITIONER IS REQUESTING A SPECIAL HEARING TO PERMIT PARKING IN R.O. ZONE
9. PETITIONER IS REQUESTING A VARIANCE TO SECTION 400.26(5) OF THE ZONING CODE TO PERMIT 44 PARKING SPACES INSTEAD OF THE REQUIRED 23 SPACES (A VARIANCE OF 43 SPACES), OR A VARIANCE OF 23 SPACES IF SPECIAL HEARING TO PERMIT PARKING IN R.O. ZONE IS GRANTED
10. UTILITIES EXIST W.B. TO SITE
11. PROPERTY LOCATED IN "GHYLL FIELDS" WATERSHED
12. PROPOSED LIGHTING WILL NOT BE REFLECTED ON NEIGHBORING RESIDENTIAL PROPERTY

PLAT TO ACCOMPANY PETITION
FOR

PARKING VARIANCE AND SPECIAL HEARING

WARREN SQUARE SHOPPING CENTER

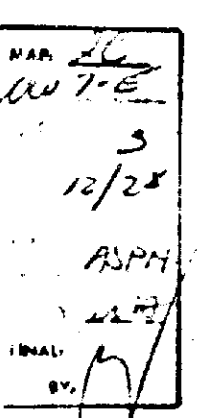
(S.W. CORNER REISTERSTOWN RD. & LINDEN TERR.)

3RD ELECT. DIST.

SCALE: 1"=20'

BALTIMORE COUNTY, MD.

NOV. 21, 1983



RESTRICTIONS - CASE #66-193 SPH

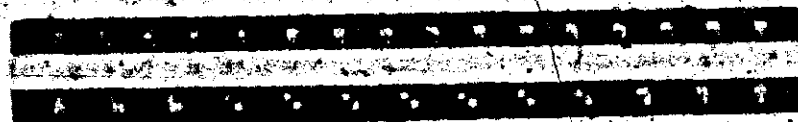
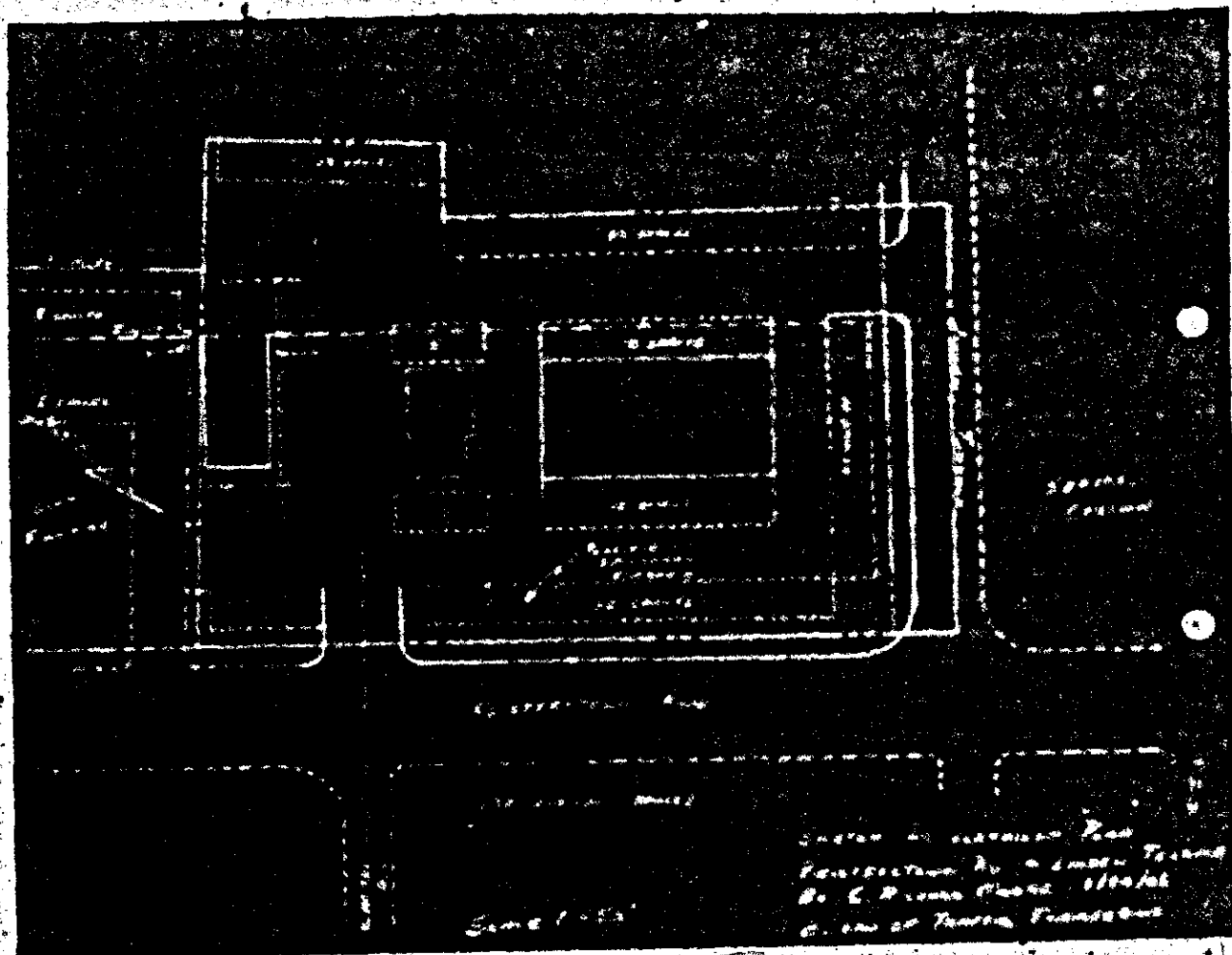
1. THE AREA TO BE USED SHALL BE OF A DURABLE AND DISTRESS SURFACE AND SHALL BE PROPERLY DRAINED
2. ALL LIGHTING SHALL BE SO ARRANGED AS NOT TO REFLECT ON NEIGHBORING RESIDENTIAL PROPERTIES
3. SHRUBBERY AT LEAST FOUR (4) FEET IN HEIGHT SHALL BE PLANTED ON THE WESTERLY BOUNDARY OF SAID TRACT.
4. THERE SHALL BE NO TRAFFIC ACCESS TO THE PROPERTY FROM LINDEN TERRACE.

Exist. Zoning: "R-O"
Exist. Use: "Residential"

EX. 1 1/2 STY. DWG.

Prop. Fence on 12' (Fence to be chain link slatted with plastic strips or 10' High Wood Stockade Type)





PETITION FOR SPECIAL HEARING 84-237-SPHA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in a residential zone (R.O.) for the property described herein as #1 Linden Terrace (owned by Mary C. Cassat) as well as a modification of the approved site plan for the existing use permit in case #66-193-SPH relating to Warren Square Shopping Center (owned by Jean R. Berman).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Jean R. Berman
(Type or Print Name)
Signature
c/o Irwin M. Sussman,
1001 Fidelity Building
Address 210 North Charles Street
Baltimore, Maryland 21201
City and State
Attorney for Petitioner:
Irwin M. Sussman, Esquire
(Type or Print Name)
Signature
1001 Fidelity Building
Address 210 North Charles Street
Baltimore, Maryland 21201
City and State
Attorney's Telephone No.: (301) 685-2800
Legal Owner(s):
Jean R. Berman
(Type or Print Name)
Signature
Mary C. Cassat
(Type or Print Name)
(X) Her Mark
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of February, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of March, 1984, at 10:15 o'clock A.M.

Cal J. J. J.
Zoning Commissioner of Baltimore County.

X.C.O.-No. 1 (over) * Witness as to mark of Mary C. Cassat

PETITION FOR ZONING VARIANCE 84-237-SPHA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 (b)(5) to permit 44 parking spaces instead of the required 93 parking spaces (a variance of 49 parking spaces) or if a Petition for Special Hearing (filed simultaneously with this Petition and covering the Warren Square Shopping Center and #1 Linden Terrace) to permit parking in an R.O. zone is granted, then to permit 70 parking spaces instead of the required 93 spaces (a variance of 23 spaces).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Conveyance of adjacent property inadvertently destroyed parking ratios. Owner has contracted to buy #1 Linden Terrace from Mary C. Cassat to provide additional parking areas only, no buildings to be constructed thereon, to achieve higher parking ratios.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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Cal J. J. J.
Zoning Commissioner of Baltimore County.

X.C.O.-No. 1 (over) * Witness as to mark of Mary C. Cassat

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

PETITION FOR SPECIAL HEARING 84-237-SPHA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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Cal J. J. J.
Zoning Commissioner of Baltimore County.

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 7, 1984

CHIEF OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodore
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Irwin M. Sussman, Esquire
1001 Fidelity Building
Baltimore, Maryland 21201

RE: Case No. 84-237-SPHA (Item No. 156)
Petitioner - Jean R. Berman
Special Hearing and Variance
Petition

Dear Mr. Sussman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to raze one existing dwelling and garage on the R.O. zoned property to the rear of the existing shopping center and create a parking area, this special hearing is required. A variance for number of parking spaces is also included. However, the size of the variance request is dependent on the result of the special hearing. As you are aware the existing parking to the rear of the shopping center was granted as a result of Case #66-193-SPH.

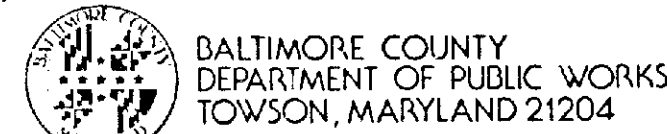
As indicated in my previous conversation with your engineer, Mr. Paul Lee, the paving of the proposed parking area must be macadam, tar and chip, etc. The existing parking area does not show 12 spaces, but Mr. Lee stated that he would revise the site plan to indicate this number and to indicate that there is no access from the proposed parking lot to Linden Terrace. I also indicated that the comments from the Office of Current Planning were submitted to this office after this petition was scheduled and he would meet with Mr. Sue Carrell of said office to discuss the comments prior to the hearing.

Case No. 84-237-SPEA (Item No. 156)
Petitioner - Jean R. Berman
Page 2

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rmh
Enclosures



HARRY J. PISTEL, P.E.
DIRECTOR

February 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #156 (1983-1984)
Property Owner: Warren Square Shopping Center
W/S cor. Reisterstown Rd. & Linden Terrace
Acre: 0.99 District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (Md. 140) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Linden Terrace, an existing public road, is proposed to be further improved in the future on a 50-foot right-of-way, with fillet areas for sight distance at the Reisterstown Road intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #156 (1983-1984)
Property Owner: Warren Square Shopping Center
Page 2
February 17, 1984

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Linden Terrace and serve the present building.

The Petitioner is responsible for the entire cost of capping or plugging any service connections not used to serve this property.

Very truly yours,
Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

O-SW Key Sheet
26 NW 20 Pos. Sheet
NW 7 E Topo
78 Tax Map



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Calhoun
Administrator

January 4, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 12-27-83
ITEM: #156.
Property Owner: Warren Square Shopping Center
Location: SW Cor. Reisterstown Rd., Route 140 & Linden Terrace
Existing Zoning: B.L.-CS-1 & R.O.
Proposed Zoning: Special Hearing to approve a use permit in a residential zone as well as a modification of the approved site plan for the existing use permit in Case #66-193-SFH. Variance to permit 44 parking spaces in lieu of the required 93 spaces or if a petition for Special Hearing to permit parking in a R.O. zone is granted, then to permit 70 parking spaces in lieu of the required 93 spaces.
Acre: 0.99
District: 3rd

Dear Mr. Jablon:

The site was inspected on December 29, 1983 at 12:30 P.M. At that time the traffic situation was chaotic. There were no vacant parking spaces. Vehicles were lined up on the highway, in the entrances and throughout the site, waiting for parking spaces. It is quite apparent that the site is seriously lacking

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5462 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon

-2-

January 4, 1984

in parking spaces.

We are in favor of any proposal to create additional parking spaces, however, any redevelopment or improvement to the site, that would generate more traffic, can only compound the existing intolerable parking problem.

This section of Reisterstown Road is extremely congested carrying an average of 29,000 vehicles per day.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:JM:maw

By: John Meyers

cc: Mr. J. Ogle
Mr. G. Wittman



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 151, 152, 153, 154, 155, 156 and 157 ZAC-Meeting of December 27, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acre:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 151, 152, 153, 154, 155, 156, and 157.

Michael S. Planigan
Michael S. Planigan
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-2211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 12/27/83
Item # 156
Property Owner: Warren Square Shopping Center
Location: Reisterstown Road & Linden Terrace

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/11/84.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is 1500 sq. ft. per lot.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and its conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

An overall site plan of Reisterstown Rd. and Linden Terrace is required. The proposed site plan is not acceptable. The proposed site plan is not acceptable. The proposed site plan is not acceptable.

Eugene A. Boser
Eugene A. Boser
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 156, Zoning Advisory Committee Meeting of Dec 27, 1983

Property Owner: Warren Square Shopping Center

Location: Sw/Cor. Reisterstown Road District 3

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 156 Zoning Advisory Committee Meeting of Dec. 27, 1983
Page 2

- (✓) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 194-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 194-3768.
- () Soil percolation tests (have been/must be) conducted.
{ } The results are valid until _____
{ } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 1-117 of the Baltimore County Code, the water well yield test shall be valid until _____.
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Jan. J. Forrest
Jan. J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

Recorder: Baltimore County 11/15/83 11/15/83/101 ENC. 4

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, JEAN R. BERMAN, residing at 11 Slag Avenue, Baltimore, Maryland 21208, do hereby make, constitute and appoint Irwin M. Sussman, 1001 Fidelity Building, 210 North Charles Street, Baltimore, Maryland 21201, my true and lawful attorney to act in, manage and conduct all my affairs, and for that purpose in my name and on my behalf to do and execute all or any of the following acts, deeds and things, as fully as I might or could do if personally present, to wit:

1. To ask, demand, sue for, collect, recover and receive all sums of money, debts, dues, interest, dividends, annuities, claims, bonds, wares, merchandise, chattels, effects and things of whatever nature or description which now are or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways or means whatsoever and to have, use and the right to take all lawful ways and means in my name and otherwise for the recovery thereof, by court proceeding or otherwise; and upon receipt thereof or of any part thereof, to make, sign, execute and to deliver such receipts, releases or other discharges for the same, respectively, as my attorney shall think fit or be advised.
2. To settle any account or reckoning whatsoever wherein I am now or at any time hereafter shall be in anyway interested in or concerned with any person or party whomsoever, and to pay or receive the balance thereof as the case may require.
3. To receive every sum of money which is or hereafter shall be due to or belonging to me upon the security of or by virtue of any mortgage, deed of trust or other similar document and upon receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such mortgage, deed of trust or other similar document by deed or otherwise.
4. To compromise, compound with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me and to take and receive any

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
494-4500

PAUL H. RENCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Warren Square Shopping Center

Location: Reisterstown Road and Linden Terrace

Item No.: 156

Zoning Agenda: Meeting of 12/27/83

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (✓) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Rencke* Planning Group
George M. McGehee Fire Prevention Bureau
Special Inspection Division

/mb

charges for the whole of such debts or demands or to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter and thing due to or concerning me as my attorney shall think best, and for that purpose to enter into and execute and deliver such bonds of arbitration, or other instruments as my attorney may deem advisable in the premises.

5. To commence, prosecute, discontinue or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may be in anyway concerned.

6. To enter into and upon all and singular my real estate and personal property and to let, manage and improve the same or any part thereof, and to repair or otherwise improve or alter and to insure any building(s) thereon.

7. To contract with any person for leasing for such periods, at such rents and subject to such conditions as my attorney shall see fit, all or any part of my said real estate, or personal property, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupant thereof, and to receive and recover from all tenants and occupiers thereof or any part thereof all rents, arrears of rent and all other charges and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on non-payment thereof or of any part thereof to take all necessary or proper means and proceedings for terminating the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

8. To sell, either at public or private sale, exchange or in any other manner transfer or dispose of all or any part or parts of my real estate or personal property for such consideration and upon such terms as my attorney shall think fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as my attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other considerations.

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BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

110 ZATSKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

January 18, 1984

Dear Mr. Jablon:

Comments on Item # 156 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren Square Shopping Center
Location: SW Corner Reisterstown Road and Linden Terrace
Existing Zoning: B.L. - CS - 1 & R.O.
Proposed Zoning: Special Hearing to approve a use permit in a residential zone as well as a modification of the approved site plan for the existing use permit in Case #66-193-SH. Variance to permit 14 parking spaces in lieu of the required 93 spaces or if a petition for Special Hearing to permit parking in an R.O. zone is granted, then to permit 70 parking spaces in lieu of the required 93 spaces.

Acres: 0.99
District: 3rd.

The items checked below are applicable:
(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill L-62 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(B) A building/ other structure shall be required before beginning construction.

(C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 1001, line 2, Section 1107 and Table 1102, also Section 501.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments - Show handicapped parking spaces as required by State code, signs, ramps, curb cuts, etc. on plans.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

9. To withdraw, from any banks or other financial institutions in which I have any deposits, any or all monies so deposited in my name and/or jointly with others. To close any accounts in any banks or other financial institutions now or hereafter standing in my name and/or in my name jointly with others. To open accounts in banks or other financial institutions in my name or jointly with others, to close the same and to withdraw all monies which may be deposited therein to my account, and to enter any safe deposit box and to remove any contents therefrom.

10. To borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute any and all promissory notes, bonds, mortgages, deeds of trust and all other instruments which may be necessary and proper.

11. To carry on any business or businesses which I may own or in which I may have an interest. In connection therewith, to use the premises in which the same is or shall be carried on and to have the same powers of dealing with stock, capital and effects entering into business engagements, of increasing or diminishing capital, and generally of transacting the affairs of such business or businesses as I myself have or could have.

12. To engage, employ and dismiss any investment counsel, accountants, lawyers, brokers, banks, trust companies, fiduciaries, agents, clerks, servants or any other persons or entities engaged in and about the performance of these presents as my attorney shall think fit.

13. To vote at all meetings of stockholders, officers or directors or other meetings of any corporation or company, or otherwise to act as my attorney or proxy with respect to any shares, stocks or other instruments now or hereafter held by me in such corporations or companies and for that purpose to execute any proxies or other instruments.

14. To exercise any powers and any duties vested in me, whether solely or jointly, with any other or others as executor, administrator or trustee or in any other fiduciary capacity, so far as such power or duty is capable of being legally and validly delegated.

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RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
SW Corner Reisterstown Rd. : OF BALTIMORE COUNTY
and Linden Terrace,
3rd District :
JEAN R. BERMAN, Petitioner : Case No. 84-237-SH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2155

I HEREBY CERTIFY that on this 24th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Irwin M. Sussman, Esquire, 1001 Fidelity Building, Baltimore, MD 21201, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

15. For all or any of the purposes of these presents to enter into and sign, seal, execute, acknowledge and deliver any contracts, deeds, leases, investment letters or any other instruments whatsoever, and to draw, accept, make, endorse, discount or to otherwise deal with any bills of exchange, checks, promissory notes or any other commercial or mercantile instruments.

16. To pay my ordinary household expenses, and, in the discretion of my attorney, to pay such charitable subscriptions as I have been in the habit of paying.

17. To prepare and to execute on my behalf any and all federal, state and local income, gift and other tax returns, whether on a joint or individual basis. To represent me in connection with any and all federal, state, local or foreign tax matters and with respect thereto to make and to execute agreements, waivers, compromises, statements, claims for refunds, overassessments and the like relating to any such taxes. To exercise, in the discretion of my attorney, any election, option or other power, right or privilege which I could exercise which is given under, arising out of or with respect to the United States Internal Revenue Code and the revenue laws of any state, territory or locality as any such laws are from time to time amended or altered.

18. In general, to do any and all other acts, deeds, matters and things whatsoever in or about my estate, property and affairs and/or to concur with persons jointly interested with myself in doing all such acts, deeds, matters and things either particularly or generally described herein, as fully and effectually to all intents and purposes as I could do in person if I were personally present.

19. And I, JEAN R. BERMAN, hereby ratify and confirm, and, promise at all times, to ratify and confirm, all and whatsoever my attorney, IRWIN M. SUSSMAN, appointed by me hereunder, shall lawfully do or cause to be done in and about the premises by virtue of these presents, including anything which shall be done in the period of time between the revocation of these presents by my death or in any other manner and the time that notice of such revocation

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JUL 30 1984